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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

Billy Joe Hayes,

Respondent.

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HPA Docket No. 12-0008

Complaint

There is reason to believe that the respondent named herein has violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service issues this complaint alleging the following:

I

1. Respondent Billy Joe Hayes is an individual whose mailing address is 821 Hill Top Road, Danville, Kentucky 40422.
2. On July 3, 2009, respondent Billy Joe Hayes entered for the purpose of showing or exhibiting the horse known as "Designer Original" as entry number 311 in class number 15, at the Adair County Horse Show in Columbia, Kentucky.

II

1. On July 3, 2009, respondent Billy Joe Hayes entered for the purpose of showing or exhibiting the horse known as "Designer Original" as entry number 311 in class number 15, at the Adair County Horse Show in Columbia, Kentucky, in violation of sections 5(2) (B) of the Act (15 U.S.C. § 1824(2) (B)), while the horse was sore (9 C.F.R. § 11.3(a)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:
 - (a) Assessing civil penalties against the respondent in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying the respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

Done at Washington, D.C.
this 3rd day of October, 2011

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Administrator
Animal and Plant Health
Inspection Service

FRANK MARTIN, JR.
Attorney for Complainant
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United States Department of
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